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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No 2762/2005

PETITIONER

Kanti Sharma, W/o. Shri Sitaram, Sharma, Aged about 42 years, R/o. Village Sonhat, P.S. & Tahsil Sonhat, District Koriya (C.G.)

P.R. No. 2676/05 Presented by Shri A. Shukla dated 25/6/05

VERSUS

RESPONDENTS

1 State of Chhattisgarh, Through Secretary & Ministry of Woman and Child Welfare Department, D.K.S. Bhawan, Raipur (C.G.).

2. District Woman & Child Development Officer, District Koriya (C.G.)

3. Collector, District Koriya (C.G.)

4. Chief Executive Officer, Sonhat, Tahsil Sonhat, Distt.Koriya (C.G.)

RECEIVED 25.6.05 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

OF THE PETITIONER

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक WP No. 2762/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13.7.2006

Shri Arun Kumar Shukla, Advocate for the petitioner.

Shri Satish Gupta, Dy. Govt. Adv. for the State.

Heard.

By the instant petition the petitioner has questioned the legality, propriety and correctness of order dated 6.5.2005 (Annexure P-1) whereby the petitioner has been removed from the post of Aaganwadi Worker on the ground that on 4.5.2005 at the time of visit of the Hon'ble Chief Minister of the State in Village Kachohar the petitioner was found absent from her duties.

It has been mentioned in the petition that the petitioner has been removed without following the procedure as envisaged in Annexure R-2 policy for appointment and removal of Aaganwadi Worker/Sahayika.

On the fateful day, the petitioner was on duty from 7am to 12 noon, she left the Center at 2.00 p.m. with the permission of the head of the institution, as she was not felling well, which is apparent from the report attested by the Medical Officer, Sonhat. Medical certificate is Annexure P-11, prescription of medicine is Annexure P-12 and certificate issued by the Gram Panchayat, Banshipur is Annexure P-13.

I have heard learned counsel for the parties and perused the record.

Perusal of impugned order dated 6.5.2005 (Annexure P-1) shows that during the visit of Hon'ble the Chief Minister on 4.5.2005, the petitioner was found absent from her duties and therefore, for negligence in performance of duty she has been removed from the post of Aaganwadi

P.T.O.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Worker. A scheme dated 29.10.1996 (Annexure R-2) has been framed by the Women & Child Development Department, State of M.P. for selection, appointment and removal of Aaganwadi Worker & Sahayika. Clause (2) of said scheme relates to the procedure for removal of Aaganwadi Worker & Sahayika. Sub-clause (2) of Clause (2) says that no village Panchayat shall be entitled to remove any Aaganwadi Worker/Sahayika, only Janpad Panchayat is entitled to remove that too under the following conditions i.e. if any Gram Panchayat wants to remove any Aaganwadi Worker/Sahayika, then that Gram Panchayat had to pass a resolution for removal of that Aaganwadi Worker/Sahayika and same shall be sent to the Child Development Project Officer and in turn, said officer himself or through the Supervisor, within two weeks' from the date of receipt of the resolution of Gram Panchayat, the matter shall be enquired into in the facts of the case and thereafter, the concerned officer alongwith his recommendation shall sent the same to the Janpad Panchayat and it shall be binding for the Janpad Panchayat that till the report of Child Development Project Officer is not received with the recommendation, the Janpad Panchayat shall not be entitled to remove the Aaganwadi Worker/Sahayika. Even if the Departmental Officer removes the Aaganwadi Worker/Sahayika from the post, then he has to follow the above procedures and recommend the case to the Janpad Panchayat.

In the present case it is evident from the impugned order dated 6.5.2005 (Annexure P-1) that the petitioner has been removed from the post without following the above procedures merely on the ground that on 4.5.2005 at the time of visit of Hon'ble the Chief Minister of the State the

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मामला क्रमांक ..... सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner was found absent from her duties, whereas, the petitioner has submitted that she left the place at about 2.00 p.m. after obtaining permission from the authority, as she was not feeling well. Therefore, for the foregoing reasons, the impugned order cannot be sustained and the same is liable to be quashed, as the proper procedure, as envisaged in the policy, has not been followed.

Accordingly, the impugned order dated 6.5.2005 (Annexure P-1) whereby the petitioner has been removed from the post of Aaganwadi Worker is hereby quashed and the petitioner be reinstated on the said post. However, it is made clear that the respondents are not precluded from initiating enquiry against the petitioner as per the scheme Annexure R-2.

Consequently, M.(W.)P. No.2297/05 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

P.T.O.